

**MONDAY, FEBRUARY 6, 1978**

**FIFTY-SEVENTH LEGISLATIVE DAY**

The House met at 6:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Robert Patton Jr., Lebanon, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 95

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 95.

The Speaker announced that Representative Dixon was excused because of business.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 963, 1545 and 1632; and House Joint Resolution No. 179; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 963, 1545 and 1632; House Joint Resolution No. 179.

# CALENDAR

House Bill No. 832 — To make provisions, fee, sheriffs and constables.

On motion, House Bill No. 832 was made to conform with Senate Bill No. 802.

On motion, Senate Bill No. 802, on same subject, was substituted for House Bill No. 832.

Mr. Bell moved that Senate Bill No. 802 be passed on third and final reading.

Mr. Bell moved to amend as follows:

## AMENDMENT NO. 1

Amend Senate Bill No. 802 by deleting from Section 2, the date "July 1, 1977" and by substituting instead "July 1, 1978".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 802, as amended, passed its third and final reading by the following vote:

Ayes.....	89
Noes.....	0
Present and not voting .....	6

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Work, Young and Mr. Speaker McWherter — 89.

Representatives present and not voting were: Martin, Phillips, Shockley, Wood and Yelton — 5.

A motion to reconsider was tabled.

House Bill No. 1622 — To make certain provisions, criminal records of applicants.

On motion, House Bill No. 1622 was made to conform with Senate Bill No. 1581.

On motion, Senate Bill No. 1581, on same subject, was substituted for House Bill No. 1622.

Mr. Blackburn moved that Senate Bill No. 1581 be passed on third and final reading.

Mr. Ashford moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1581 by deleting from Section 1, Subsection 6, after the word "any" and before the word "convictions", the following:

"charges or".

Further amended by deleting from Section 1, Subsection 6, after the word "laws" and before the word "by", the following:

"or ordinances"

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1581, as amended, passed its third and final reading by the following vote:

Ayes.....	93
Noes.....	0
Present and not voting .....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 93.

Representative present and not voting was: Cobb — 1.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 1623 — To make certain provisions, county receiving homes.

Mr. Blackburn moved that House Bill No. 1623 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0
Present and not voting .....	2

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford

(Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 94.

Representatives present and not voting were: Cobb and Good — 2.

A motion to reconsider was tabled.

House Bill No. 1657 — To regulate filing of surety bonds.

Mr. Johnson moved that House Bill No. 1657 be passed on third and final reading, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	3

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 92.

Representatives present and not voting were: Ashford, Byrd and Williams — 3.

A motion to reconsider was tabled.

House Bill No. 1899 — To amend Section 51-125, Code.

Mr. Gill moved that House Bill No. 1899 be passed on third and final reading, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	2
Present and not voting .....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Ker-

nell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 92.

Representatives voting no were: Bewley and Rhinehart — 2.

Representative present and not voting was: Cawood — 1.

A motion to reconsider was tabled.

Mr. Davis moved that House Bill No. 1771 be placed on the Calendar for Wednesday, February 8, 1978, which motion prevailed.

House Bill No. 1626 — To make provisions, trespass on construction sites.

Mr. Blackburn moved that House Bill No. 1626 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	88
Noes.....	0
Present and not voting .....	5

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Shelby), Fuqua, Gaia, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McKinney, Martin, Miller, Moore, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 88.

Representatives present and not voting were: Buck, Cobb, Ford (Cocke), Henry and Murphy (Davidson) — 5.

A motion to reconsider was tabled.

Mr. Richards moved that House Bill No. 1660 be placed on the Calendar for Wednesday, February 15, 1978, which motion prevailed.

House Bill No. 1653 — To make provisions, big game hunting in Hancock County.

Mr. Robertson moved that House Bill No. 1653 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0
Present and not voting .....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 93.

Representative present and not voting was: Small — 1.

A motion to reconsider was tabled.

House Bill No. 1655 — To make provisions, big game hunting in Claiborne County.

Mr. Robertson moved that House Bill No. 1655 be passed on third and final reading.

Mr. Watson moved to amend as follows:

#### AMENDMENT NO. 1

Amend House Bill No. 1655 by adding the following sentence at the end of SECTION 1:

The provisions of this Act shall not apply to property owned by the State of Tennessee, nor to property in which the State of Tennessee is in charge or in control of said land as a result of a lease or other agreement with the property owner.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1655, as amended, passed its third and final reading by the following vote:

Ayes.....	92
Noes.....	0
Present and not voting .....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton and Young — 92.

Representative present and not voting was: Mr. Speaker McWherter — 1.

A motion to reconsider was tabled.

House Joint Resolution No. 261 — Relative to naming U.S. Interstate 40 in honor of Elvis Presley.

Mr. Murphy (Davidson) moved that House Joint Resolution No. 261 be adopted.

Mr. Wallace moved the previous question, which motion failed by the following vote:

Ayes.....	34
Noes.....	37
Present and not voting .....	3

Representatives voting aye were: Ashford, Bell, Burnett (Sumner), Bussart, Butler, Byrd, Chiles, Clark, Cobb, Davidson (Robertson), Davidson (Wayne), Fleming, Hall, Hood, Hurley, King, Longley, Martin, Miller, Moore, Murphy (Shelby), Murray (Franklin), Nolan, Phillips, Shockley, Small, Spence, Steinhauer, Turner, Wallace, Wolfe, Wood, Yelton and Young — 34.

Representatives voting no were: Atchley, Bewley, Blackburn, Buck, Burks, Burleson, Cawood, DeBerry, DePriest, Elkins, Ellis, Fisher, Ford (Cocke), Ford (Shelby), Fuqua, Henry, Hillis, Lanier, Lashlee, Ledford, Love, Murray (Madison), Naifeh, Ozment, Pruitt, Rhinehart, Richards, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Stafford, Stallings, Tanner, Watson, Webb and Work — 37.

Representatives present and not voting were: Bishop, Johnson and Richardson — 3.

A motion to reconsider was tabled.

Mr. Rhinehart moved to amend as follows:

#### AMENDMENT NO. 1

Amend House Joint Resolution No. 261 as follows:

in the first resolving clause by deleting the word "Tennessee" in the third line of the clause and substituting instead the words "Davidson County, Tennessee"

Mr. Murphy (Davidson) moved that House Joint Resolution No. 261 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Good moved that House Joint Resolution No. 271 be placed on the Calendar for Wednesday, February 8, 1978, which motion prevailed.

Mr. Pickering moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 348 out of order, which motion prevailed:

House Joint Resolution No. 348 — Relative to commending Mr. J. C. "Jake" Hundley — By Pickering and Bragg.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Pickering, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

793 — To amend certain sections relating to mentally ill and retarded persons.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

796 — To amend certain sections relating to Mental Health Law.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL NO. 793

AND

SENATE BILL NO. 796

The Senate and House Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 793 (House Bill No. 1250) and Senate Bill No. 796 (House Bill No. 1251) have met and recommend that the following Senate amendments be deleted from Senate Bill No. 793 (House Bill No. 1250): 1, 3, and 4, and that the following House amendments be deleted from Senate Bill No. 793 (House Bill No. 1250): 1, 2, 3, 4, and 6.

The committee further recommends that the following amendment to Senate Bill No. 793 (House Bill No. 1250) be adopted: by deleting the words and punctuation “, and by inserting the words ‘and treatment as it relates to competency to stand trial’ between the words ‘evaluation’ and ‘for’ in the second sentence of subsection (b), paragraph (1)” in section 2;

AND FURTHER AMEND by deleting section 3 in its entirety and by renumbering the subsequent sections accordingly;

AND FURTHER AMEND by deleting all the language following the word “poses” in the renumbered section 3;



AND FURTHER AMEND by inserting the following language after the word "psychologist" in subsections (a) and (c) in the renumbered section 5"

,when all reasonable efforts have been made to contact a licensed physician in the county and no such physician is available to conduct the examination within eight (8) hours of the first effort to contact a licensed physician, ;

AND FURTHER AMEND by deleting the word "ninth" in subsection (e) of the renumbered section 5 and substituting instead the word "tenth";

AND FURTHER AMEND by deleting the word "eleventh" in subsection (f) of the renumbered section 5 and substituting instead the word "twelfth"

AND FURTHER AMEND by deleting subsection (j) of the renumbered section 5 in its entirety and by redesignating the subsequent sections accordingly;

AND FURTHER AMEND by deleting the redesignated subsection (n) of the renumbered section 5 in its entirety and by substituting instead the following: (n) adding a subsection (g) thereto which reads as follows:

(g) "The term 'licensed psychologist' for the purposes of this section means a person licensed as a psychologist with competency in clinical psychology under the laws in Tennessee and as determined by the Board of Healing Arts, with a minimum of three (3) years active clinical practice and who is actively practicing as a clinical psychologist at the time of any proceedings under Title 33, Chapters 3 through 8.";

AND FURTHER AMEND by deleting the renumbered section 6 in its entirety and substituting instead the following:

Section 6. Tennessee Code Annotated, Section 33-604, is amended by:

(a) deleting the first two (2) sentences of subsection (a) in their entirety and by substituting instead the following:

Proceedings to judicially hospitalize an individual may be commenced by filing a petition in any of the courts stated below by any of the following persons: the parent, guardian, spouse, or a responsible adult relative of the individual or by any licensed physician or licensed psychologist, as defined in section 5 of this act or by any health or public welfare officer, or by the head of any institution in which the individual may be, or by any officer authorized to make arrests in Tennessee.

The courts which have jurisdiction in these proceedings are as follow : (1) chancery court; (2) circuit court; (3) juvenile court in any county having a population of more than 250,000 according to the 1970 federal census of population or any subsequent federal census; (4) division II of probate court in any county having a probate court, and having a population of more than 600,000 according to the 1970 federal census of population or any subsequent federal census.

The petition may be filed in one of the appropriate courts where the individual resides or may be found. If, however, the individual is hospitalized under Sections 33-601 or 33-603, the petition shall be filed in one of the appropriate courts where the individual is hospitalized, subject to provision of subsection (d), below.

(b) deleting the word "possesses" from the fourth sentence of subsection (a), and wherever else it appears in Section 33-604, and substituting instead the word "poses"; and by

(c) deleting the word "paragraph" in the first sentence of subsection (b) and substituting instead the word "subsection";

(d) deleting the sixth, seventh and eighth sentences of subsection (c) in their entireties, and substituting instead the following five (5) sentences:

At least one (1) of the witnesses at the hearing shall be a licensed physician who has examined the individual within twenty (20) days before the hearing. The testimony of an examining physician may be made by deposition or affidavit, with the consent of the individual or his counsel. When, however, such testimony is made by deposition or affidavit, the court shall make a determination and a specific finding of fact that the individual or his counsel has consented to testimony's being made in such manner. If a petition is accompanied by a sworn statement by the petitioner that the individual has refused to be examined and the court finds that probable cause exists to believe that the individual has refused to be examined, the court shall continue the hearing for not more than three (3) days and order the sheriff or law enforcement officer to take the individual into custody and to take the individual for an examination by two (2) licensed physicians, or to a hospital or treatment resource. The individual may be detained for the period required to complete the examinations, but not more than twenty-four (24) hours. Upon completion of the examinations, the individual shall be released, and the physicians, shall report their findings to the court.

(e) by deleting the words "medical history" and substituting instead the word "information" in the tenth sentence of subsection (c); and by

(f) deleting the words and symbols after the word "shall" in the first sentence of subsection (d) and substituting instead the following:

order the person hospitalized, and, if in a state hospital or state-supported hospital, in the custody of the commissioner, subject to departmental regulations governing release. The court may order hospitalization in an accredited private hospital or treatment resource if (1) a parent, guardian, spouse, or an adult relative of the person, or any other person has made arrangements to pay the cost of the hospitalization and (2) hospitalization of the person in an accredited private hospital or treatment resource is more appropriate to the needs of the person than hospitalization in a public hospital or public treatment resource;

AND FURTHER AMEND by deleting the renumbered section 11 in its entirety and by substituting instead the following:

Section 11. This act shall take effect on March 1, 1978, the public welfare requiring it.

The committee further recommends that the following Senate amendments to the Senate Bill No. 796 (House Bill No. 1251) be adopted: 1, 2, and 3.

The committee further recommends that the following House amendment to Senate Bill No. 796 (House Bill No. 1251) be deleted: 1 as amended.

Respectfully submitted this the 1st day of February, 1978.

For the Senate

Senator Curtis Person  
 Senator Anna Belle O'Brien  
 Senator Robert T. Byrd

For the House

Representative Elbert T. Gill  
 Representative Shelby A. Rhinehart  
 Representative Loy L. Smith

Mr. Rhinehart moved that the Report of the Conference Committee on Senate Bill No. 793 be adopted and made the action of the House.

Mr. Ozment moved that the Report be deferred until February 8, 1978, which motion failed by the following vote:

Ayes.....	6
Noes.....	68
Present and not voting .....	2

Representatives voting aye were: Ashford, Burnett (Sumner), Cobb, Longley, Ozment and Wood — 6.

Representatives voting no were: Atchley, Bell, Bewley, Bishop, Bissell, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Davidson (Robertson), Davidson (Wayne), DeBerry, DePriest, Elkins, Ellis, Fisher, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Hall, Henry, Hillis, Hurley, Johnson, Kernell, King, Lashlee, Ledford, Love, McAfee, Martin, Miller, Moore, Murray (Franklin), Murray (Madison), Nolan, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Turner, Wallace, Watson, Webb, Wolfe, Work, Young and Mr. Speaker McWherter — 68.

Representatives present and not voting were: Cawood and Good — 2.

Mr. Rhinehart moved that the Report of the Conference Committee on Senate Bill No. 793 be deferred until February 8, 1978, which motion prevailed.

Mr. Phillips requested that he be shown as voting aye on Senate Bill No. 802.

### RESOLUTION LYING OVER

Senate Joint Resolution No. 146 — Relative to joint committee study, taxation of elderly.

The Speaker referred Senate Joint Resolution No. 146 to the Committee on General Welfare.

### HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 584 — To enact "Release from Custody and Bail Reform Act, 1971".

### SENATE AMENDMENT NO. 5

Amend House Bill No. 584 by striking the first sentence of Section 16, and substituting in lieu thereof the following sentence:

"If a defendant does not qualify for a release upon recognizance under Section 15, then the magistrate shall impose the least onerous conditions reasonably likely to assure the defendant's appearance in court."

AND FURTHER AMEND by deleting Section 42 in its entirety.

Mr. Carter moved that the House concur in Senate Amendment No. 5, which motion prevailed by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 92.

A motion to reconsider was tabled.

#### SENATE AMENDMENT NO. 6

Amend House Bill No. 584 by deleting the year "1977" in Section 49 and substituting in lieu thereof the year "1978."

Mr. Carter moved that the House concur in Senate Amendment No. 6, which motion prevailed by the following vote:

Ayes.....	90
Noes.....	0
Present and not voting .....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 90.

Representative present and not voting was: Richardson — 1.

A motion to reconsider was tabled.

Ms. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 345 out of order, which motion prevailed.

House Joint Resolution No. 345 — Relative to welcoming the National Democratic Convention to Memphis — By DeBerry, Martin, Brewer, Ford (Shelby), Gaia, Gill, Spence, Byrd, Williams, Turner, Small, Moore, Kernell, King and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was adopted.

A motion to reconsider was tabled.

## SECOND ROLL CALL

A roll call was taken with the following results:

Present ..... 98

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 98.

## INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 342 — Relative to urging conclusive test of the drug laetrile — By Miller, Naifeh, Johnson, Scruggs, Gill, Richardson, Smith, Nolan, Hall, Fleming, King, Small, Dixon, Ledford, Atchley, Moore, Martin, Clark, Work, DePriest, Davidson (Robertson), Bissell, Steinhauer, DeBerry, Turner, Wolfe, McAfee, Fisher, Young, Gaia, Ford (Shelby), Pruitt, Ellis, Love, Robinson (Davidson), McKinney, Murphy (Shelby), Ashford, Jensen, Yelton, Hurley, Hood, Fuqua, Stafford, Buck, Murray (Madison), Blackburn, Richardson, Carter, Copeland, Wood, Starnes, Robinson (Hamilton), Richards, Robertson, Ford (Cocke), Good, Tanner, Butler, Burleson and Shockley.

Under the rules, House Joint Resolution No. 342 was referred to the Committee on Calendar and Rules.

## INTRODUCTION OF BILL

House Bill No. 2450 — To amend Section 8-4501, Code — By Spence, Steinhauer and Richards.

Passed first reading.

SENATE BILLS ON FIRST READING

Senate Bill No. 700 — To amend Section 39-412, Code.

Passed first reading.

Senate Bill No. 1539 — To repeal Chapter 335, Public Acts, 1977.

Passed first reading.

Senate Bill No. 1549 — To amend Section 30-1903, Code.

Passed first reading.

Senate Bill No. 1550 — To amend Section 30-1906, Code.

Passed first reading.

Senate Bill No. 1553 — To regulate rented premises unfit for habitation.

Passed first reading.

Senate Bill No. 1555 — To amend Section 20-235, Code.

Passed first reading.

Senate Bill No. 1580 — To amend Section 67-2301, Code.

Passed first reading.

Senate Bill No. 1587 — To amend Section 49-1765 and 49-1767, Code.

Passed first reading.

HOUSE BILL ON SECOND READING

House Bill No. 2449 — To provide referendum on pari-mutual betting, Shelby County.

Passed second reading and held without reference.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, February 8, 1978: House Bills Nos. 572, 1480, 1690 and 1684.

MILLER, Vice-Chairman.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

1576 — To allow certain insurance companies to operate in state;

1577 — To amend Section 56-306, Code;

1578 — To regulate filing, certain group insurance premium rates;

1583 — To regulate group accident and health insurance;

1667 — To amend Section 45-108, Code;

1673 — To amend Section 56-306, Code; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk

#### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 333, 1529, 1554, 1566, 1568, 1572, 1574, 1585, 1624 and 1625; also, House Joint Resolutions Nos. 262, 264, 266, 267, 268, 269, 272, 275, 290, 306 and 310; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

#### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

663 — To amend Sections 59-452 and 59-453, Code; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

#### ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1623, 1626, 1653, 1655, 1657 and 1899; and House Joint Resolutions Nos. 345 and 348 and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

#### MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

1343 — To amend Section 16-1109, Code; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 32 — Shockley, Hurley

House Bill No. 1921 — Hood

House Bill No. 1690 — Bissell

House Joint Resolution No. 331 — Watson

MOTIONS

On motion of Mr. Bragg, House Bill No. 1581 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. Bragg, House Bill No. 1581 was withdrawn from the House.

On motion of Ms. Gaia, House Bill No. 1896 was recalled from the Committee on Education.

On motion of Ms. Gaia, House Bill No. 1896 was referred to the Committee on Finance, Ways and Means.

On motion of Mr. Blackburn, House Bill No. 2220 was recalled from the Committee on State and Local Government.

On motion of Mr. Blackburn, House Bill No. 2220 was withdrawn from the House.

On motion of Mr. Burnett (Fentress), House Bill No. 1662 was recalled from the Committee on Commerce.

On motion of Mr. Burnett (Fentress), House Bill No. 1662 was withdrawn from the House.

On motion of Mr. Burnett (Fentress), House Bill No. 1571 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. Burnett (Fentress), House Bill No. 1571 was withdrawn from the House.

On motion of Mr. Smith, House Bill No. 290 was recalled from the Committee on Judiciary.

On motion of Mr. Smith, House Bill No. 290 was withdrawn from the House.

On motion of Mr. Burnett (Fentress), the House adjourned until 1:00 p.m., Wednesday, February 8, 1978.